

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

JEFFERSON JONES,
Plaintiff

v.

MARY M. WALKER, in her individual
capacity

Defendant

Civil Action No.05-10102 RWZ

PLAINTIFF JEFFERSON JONES' S MOTION FOR NEW TRIAL

The Plaintiff moves for a new trial pursuant to Fed. Civ.. P. Rule 59(a)(1) on the grounds that the verdict for the Defendant is contrary to the weight of the evidence and constitutes a miscarriage of justice. The jury answered a special question propounded by the court concluding that that there was probable cause to seize the plaintiff on June 28, 2003 and place him in protective custody. Based upon this finding, a verdict was entered for the defendant. In order to answer question one in the affirmative, the jury would have had to conclude that there was probable cause to believe three things:

1. The defendant was intoxicated;
2. The cause of intoxication was by alcohol;
3. The defendant was a danger to himself or others.

As a matter of law, there was insufficient evidence to support any of the above three conclusions. The verdict was a miscarriage of justice. In further support of this motion the Plaintiff has submitted a Memorandum of Law.

Respectfully Submitted,

Jefferson Jones
By his attorneys

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